

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

DORIS HADCOCK,

Plaintiff,

v.

Case No: 5:20-cv-95-Oc-30PRL

JEST OPERATING, INC., PATRICIA R.
LEININGER, MERIDETH C. NAGEL,
MICHAEL J. ROGERS, CHRISTIAN W.
WAUGH, MERIDETH NAGEL, P.A.,
WAUGH LAW, P.A. and GAYLORD &
ROGERS, LLC,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 54), Plaintiff's Objection Regarding Rogers Defendants' Motion to Dismiss (Dkt. 55) and Defendants Michael J. Roger's and Gaylord & Rogers, LLC's Response to Plaintiff's Objection (Dkt. 58).

Judge Lammens' Report and Recommendation recommends granting Michael J. Roger's and Gaylord & Rogers, LLC's motion to dismiss. Plaintiff objects to the recommendation to the extent it does not address Plaintiff's request for leave to amend. Although the Court notes that it is improper for Plaintiff to seek leave to amend her complaint in her response in opposition to a motion to dismiss, the Court will give Plaintiff an opportunity to file an amended complaint. The Court notes that there were no prior amendments to Plaintiff's complaint.

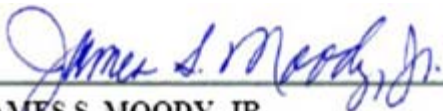
After careful consideration of the Report and Recommendation of the Magistrate Judge, Plaintiff's Objection, and in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 54) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Defendant Jest Operating, Inc.'s Motion to Dismiss Count II, or in the alternative, Motion to Abate (Dkt. 21) is DENIED.
3. Defendants Gaylord & Rogers, LLC's and Michael J. Rogers's Motion to Dismiss Plaintiff's Complaint (Dkt. 41) is GRANTED as follows:
 - a. Defendants Gaylord & Rogers, LLC and Michael J. Rogers are dismissed without prejudice from this case.
 - b. Plaintiff shall file an amended complaint within fourteen (14) days from the date of this Order. Failure to do so will result in these Defendants being dismissed from this action without further notice.
4. Defendants Merideth Nagel, P.A. and Merideth C. Nagel's Motion to Dismiss Counts VII, VIII, XIII and XIV of Plaintiff's Complaint (Dkt. 43) is DENIED.
5. The response deadlines for all Defendants is extended to fourteen (14) days from the filing of the amended complaint. If Plaintiff does not file an

amended complaint, then Defendants have until August 21, 2020, to file their answers.

DONE and **ORDERED** in Tampa, Florida, this 24th day of July, 2020.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record